

1
2
3
4
5
6
7
8
9
10
11
12
13
14

CITY OF PORTLAND
INDEPENDENT POLICE REVIEW
Confidential Taped Statement
Investigator Eric Berry

7 **Interview Date:** 05/31/2016
8 **IPR #:** 2016-B-0014
9 **IPR File Name:** 2016-B-0014 megan.john.05.31.16.int.wma
10 **Complainant:**

11
12 **Interviewed:** John Megan
13
14

15 **BERRY:** This is IPR investigator ERIC BERRY. Today's date is Tuesday 05/31/16, the time is
16 approximately 16:50. I'm at a conference room at the Harney County Sheriff's office for an interview
17 with Fish and Wildlife Officer JOHN MEGAN. Officer MEGAN – oh for my case 2016-B-0014.
18 Officer MEGAN are you aware that I'm recording our conversation?

19 **MEGAN:** Yes.

20 **BERRY:** Outstanding, so I hope to interview you – it looks like you were one of the officers who
21 responded to an accidental discharge incident down on – near Fields Station on 04/21?

22 **MEGAN:** Yes.

23 **BERRY:** Yeah, will you kind of describe how it is that you came to respond to that?

24 **MEGAN:** It was towards the end of my patrol day when I overheard the radio traffic from the sheriff's
25 office saying they had a gunshot victim en route to the Fields area. Knowing I was probably the
26 furthest one south we kind of have a mutual agree – mutual aid agreement in place, nothing official,
27 but I picked up the radio, called dispatch, and asked them if they wanted me to respond because I was
28 twenty to thirty miles, no about thirty miles closer than the responding deputies and ambulances and
29 knew where they were going to go, so I started south approximately a hundred miles down to Fields.

30 **BERRY:** Wow.

31 **MEGAN:** And we didn't have any real information other than it was a gunshot victim that was being
32 transported to Fields at the time.

33 **BERRY:** Okay, any kind of memory of how long it took you to get down there?

34 **MEGAN:** We were – I was running at code speeds, so you know, it was a hundred miles, I don't
35 remember off hand, but I know it was around 4:30 and roughly it was a little after six o'clock I believe
36 when I got to Fields.

37 **BERRY:** You must have got there – I'm struck by that. A lot of the response times I see are, you
38 know, three to five minutes, so–

39 **MEGAN:** Yeah.

40 **BERRY:** –the distances out here are a lot–

41 **MEGAN:** Yeah, well we actually don't use our sirens a whole lot because it gets annoying after an
42 hour or so.

43 **BERRY:** Yeah, you wind up going deaf I bet. Okay, so it sounds like heard the radio traffic about it,
44 kind of common practice you guys will back each other–

45 **MEGAN:** Yeah.

46 **BERRY:** –because limited amount of law enforcement out here.

47 **MEGAN:** Especially with a gunshot wound, not knowing the circumstances involved. It was relayed
48 later that they thought it was accidental I think on the dispatch side of things, but still remote areas like
49 that its always better – better to have a second officer.

50 **BERRY:** Better safe than sorry.

51 **MEGAN:** Mm-hm.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/ John Megan

May 31, 2016
Page 2 of 8

52 **BERRY:** And who all was at the scene when you arrived?
53 **MEGAN:** When I arrived there was a First Responder that was attending to the victim, several
54 individuals that I believe were locals to Fields.
55 **BERRY:** Mm-hm.
56 **MEGAN:** And then there was several people that were part of the hunting party I found out later. Not
57 all of them were there when I first arrived though.
58 **BERRY:** Okay, oh not all the members of the hunting party?
59 **MEGAN:** Not all the members of the hunting party.
60 **BERRY:** Oh because they were still coming in from—
61 **MEGAN:** Yeah, they were cleaning – my understanding is, later I was told that they were cleaning up
62 their camp site and had sent the victim in the one truck headed to get cell phone coverage and then
63 dispatch told them to go to Fields because that was the closest First Responder.
64 **BERRY:** Okay, that makes sense. I want to ask you now while I – so I don't forget. Do you have any
65 idea where the incident actually occurred?
66 **MEGAN:** The southern end of the Catlow Valley is my understanding.
67 **BERRY:** Okay.
68 **MEGAN:** Which would be – its west of Fields, but there's a large ridge in-between, so they would've
69 had to come north to get to the paved road and then go back to the east a little ways and then back
70 south to Fields.
71 **BERRY:** Okay, doesn't sound like you have the coordinates or anything.
72 **MEGAN:** No, I don't—
73 **BERRY:** Yeah.
74 **MEGAN:** –don't believe – I don't remember them ever giving us GPS coordinates just a rough idea of
75 where they were at, but I believe they were on BLM property out there.
76 **BERRY:** BLM, yeah, so you arrived, there's the First Responder treating the victim, there's several
77 people who are local to Fields present and then some members from the hunting party, more arriving
78 as you're there.
79 **MEGAN:** Correct, when I got there, there was some folks – I came up behind the truck where I could
80 see the First Responder was attending someone and there was some later down recognized as being
81 part of the hunting party on my right and then there was some locals up closer to the Fields store,
82 between the store and the truck. I immediately went to the victim.
83 **BERRY:** Mm-hm.
84 **MEGAN:** To see what was going on there. I'm no longer an EMT, but I was in the past.
85 **BERRY:** Okay.
86 **MEGAN:** So I just – and I know its stressful for the first responders to have to deal with something
87 like that.
88 **BERRY:** Oh yeah.
89 **MEGAN:** So I kind of went into a EMS role. Just going to the victim, assessing to see what his status
90 was, attending to him. I didn't see anything that, you know, would've caused me to worry about my
91 safety or anything like that. It was a very calm situation other than the individual that had been shot.
92 **BERRY:** Yeah, yeah, well can you describe that contact that you had with the victim a little bit?
93 **MEGAN:** Basically, I just went up there spoke with him and identified myself, asked his name, asked
94 him what happened. He said he'd been shot in the back. To my recollection it's – I haven't reviewed
95 the video since April, but I believe he stated he didn't know how he got shot and he indicated he had
96 been shot in the lower left back. The indicator where he was, he was sitting in the rear seat of an

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/ John Megan

May 31, 2016
Page 3 of 8

97 extended cab Dodge pickup truck. Seemed to be stable, First Responder said, you know, vitals were
98 steady, elevated, but steady.
99 **BERRY:** That's good.
100 **MEGAN:** He didn't want to move which was fine.
101 **BERRY:** Yeah.
102 **MEGAN:** Because that didn't cause him any – it caused him pain to move. I did not look at the
103 wound.
104 **BERRY:** That's what I was going to ask.
105 **MEGAN:** It was – later I was told that the hunting party had done first aid and bandaged it and did a
106 good job from what I could see and from what the first responders' report was. I didn't want to disturb
107 the bandages and start any fresh bleeding and stuff like that.
108 **BERRY:** Yeah, yeah, all right, so you had a little contact with the victim and you talk about going into
109 an EMS role, kind of assessing him, seeing how he's doing. You believe he may have said that he
110 didn't know how he got shot–
111 **MEGAN:** Right.
112 **BERRY:** –shot in the back.
113 **MEGAN:** I know I asked him, you know, what happened and pretty sure he was like, I don't know
114 how I got shot.
115 **BERRY:** Shot, yeah and you didn't actually look at the wound because it was dressed by the time –
116 the hunting party dressed it, so you didn't want to cause fresh bleeding.
117 **MEGAN:** Right.
118 **BERRY:** Makes a lot of sense.
119 **MEGAN:** Yeah.
120 **BERRY:** Do you remember, was he wearing a shoulder holster when you talked to him?
121 **MEGAN:** No, not when I spoke with him. He was wearing I believe denim bib overalls and a t-shirt.
122 **BERRY:** Okay, all right, okay, I want to ask this the right way. Did you observe any possible signs of
123 intoxication on him?
124 **MEGAN:** Not really, I mean he was flush and agitated, but kind of attributed it to being shot, you
125 know, I–
126 **BERRY:** Tends to agitate you.
127 **MEGAN:** Nothing really stood out to me, you know, didn't have to – I didn't smell alcohol on him
128 personally, but it didn't slap me in the face to the point, you know, that would've made notice, you
129 know, dealing with drunks, DUI'S and stuff in the past, but it wasn't my focus at the time either.
130 **BERRY:** That makes sense. Did he make any statements about having had any alcohol to drink?
131 **MEGAN:** I don't believe he did, but–
132 **BERRY:** All right, and beyond having contact with the victim and kind of assessing his health did you
133 have contact with any other – with any of the other members of the hunting party?
134 **MEGAN:** A little bit, some casual – once the Life Flight came and we got that all taken – him
135 packaged in – well first paramedics came, so I kind of stepped back at the point the paramedics got
136 there. CHRIS got there, paramedics got there, I step back as just area patrol or area security. Was close
137 enough to hear some conversations amongst the hunting party.
138 **BERRY:** Mm-hm.
139 **MEGAN:** And the biggest thing for them was trying to figure out what they were going to do.
140 Someone wanted to drive to Boise that night and others wanted to go home and so on and so forth, but
141 because of the time of day we were trying to say it's probably not the best idea.
142 **BERRY:** It's a long drive.

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/ John Megan

May 31, 2016
Page 4 of 8

143 **MEGAN:** It's a long drive, you know, so just a little bit I was – I think I got some questions about
144 distances and stuff like that, but I didn't really engage in a lot of conversation with them, but, you
145 know, because I was trying to stay back just a little bit to keep an eye on everything.

146 **BERRY:** Yeah, yeah, in the contact that you did have, and it sounds like it was limited.

147 **MEGAN:** Mm-hm.

148 **BERRY:** Did you observe any signs of intoxication on the other members of the party?

149 **MEGAN:** You know, not to the point where they were falling down party drunk, you know, it was
150 hard to disseminate between, you know, if they're intoxicated or just agitated because of the event.

151 **BERRY:** Yeah.

152 **MEGAN:** But nothing stood out to me that, you know, these guys had been drinking whiskey
153 constantly or anything like that.

154 **BERRY:** Yeah.

155 **MEGAN:** I had some personal beliefs and probably, you know, it wouldn't surprise me, but I can't
156 confirm one way or the other.

157 **BERRY:** Yeah, and it doesn't sound like – just to be clear, it doesn't sound like you conducted a
158 sobriety investigation when you were out there.

159 **MEGAN:** No, no and, you know, it had been almost two hours I believe from the time he got shot to
160 the time we were dealing with them, so two hours and a lot of stress like that can make for – people
161 sober up even if they were.

162 **BERRY:** Yeah I suppose that's true.

163 **MEGAN:** But, you know, nothing stood out as to say, you know, they were falling down drunks like
164 someone who has public intoxication issues that you have to deal with.

165 **BERRY:** Yeah, yeah, did you ever hear anybody, the victim or other members of the party talk about
166 being a police officer?

167 **MEGAN:** No.

168 **BERRY:** No, okay. All right.

169 **MEGAN:** And as a follow up to that I didn't know until I came in when we had the meeting with OSP
170 and DOJ that Mister O'DEA was even who he was. CHRIS actually had to show me a picture of him
171 off the Portland website. Immediately knew he was part of the party, but no one at that time when –
172 because I kind of made an ass of myself saying you guys did a great job with EMS and first aid and,
173 you know, thinking they were just regular Joe citizens and stuff, you know, to give them the benefit of
174 a good job.

175 **BERRY:** Yeah.

176 **MEGAN:** Not knowing that they were, you know, at least first aid qualified sometime in their history.

177 **BERRY:** Had some first aid training somewhere down the line.

178 **MEGAN:** So – no we – I had no indications that they were active or former law enforcement at any
179 time.

180 **BERRY:** Okay, and it's just fine if you can't tell me, did you have any kind of discussion with Deputy
181 NESBIT about whether to make any arrests out at the scene?

182 **MEGAN:** No, I don't believe we had any discussions with that. My take on it was it was an accident,
183 but when we left there we didn't – I didn't know who – how it happened.

184 **BERRY:** Yeah.

185 **MEGAN:** I know CHRIS had done some interviews, you know, and had some drawings and stuff like
186 that, but when I left there I didn't know, you know, how it happened.

187 **BERRY:** How it happened and in terms of talking to the people that were there, did you take
188 statements from some members of the–

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/ John Megan

May 31, 2016
Page 5 of 8

189 **MEGAN:** I did not.
190 **BERRY:** Okay.
191 **MEGAN:** CHRIS did all the interviews.
192 **BERRY:** Well you mentioned earlier, so you were kind of providing area security.
193 **MEGAN:** Right, right I was just kind of standing back because it, you know, we do have six, eight
194 people, whatever it was, plus bystanders and stuff and that allowed CHRIS to do his investigation one-
195 on-one interviews over there while I can watch the rest of the group. He separated each interviewee
196 away from the group and talked to them separately–
197 **BERRY:** Okay.
198 **MEGAN:** –away from the group.
199 **BERRY:** Going out there and did you all take part in inspecting their firearm?
200 **MEGAN:** I was there when CHRIS asked them to – towards the end he asked well, I need to see all
201 the weapons, and so they started dragging weapons out and CHRIS was photographing them and I was
202 just kind of there with CHRIS and keeping an eye on things from me to you away from him basically
203 while he was doing that.
204 **BERRY:** Okay, and then that process, were any of the firearms identified as a possible or likely gun
205 that shot the victim?
206 **MEGAN:** You know the - my recollection of that was it was kind of a – I don't want to say chaos, but
207 there was stuff in every other truck and stuff like that and they were just pulling – I think they were all
208 .22's except for there was one larger rifle that they had brought along with them, but they just kept
209 dragging like rifles and pistols out and–
210 **BERRY:** Yeah.
211 **MEGAN:** –without reviewing the video I can't even say how many they drug out and he took pictures
212 of.
213 **BERRY:** You read my mind, I was going to ask you – that was the next question.
214 **MEGAN:** Yeah, I, you know, there was at least six or eight rifles and two or three pistols that I can
215 remember off-hand.
216 **BERRY:** Okay, well now you talked about having seen now a picture of Chief O'DEA.
217 **MEGAN:** Mm-hm.
218 **BERRY:** So knowing what he looks like, did you have any kind of contact with him while you were
219 out there?
220 **MEGAN:** No not really, I mean he was part of the group. I believe - I believe, again, I would have to
221 review the video on this to confirm–
222 **BERRY:** Yeah.
223 **MEGAN:** –it, I believe he was helping get the weapons out, so CHRIS could take the pictures and
224 stuff like that of the different vehicles, but I don't believe I had any one-on-one conversations with him
225 or hardly at all.
226 **BERRY:** Yeah, all right, well understanding that you didn't have a lot of direct one-on-one
227 conversation with him, how would you describe his demeanor at the scene there?
228 **MEGAN:** Everyone was upset, you know, they didn't know quite what to do, you know, they were
229 trying to plan to go, you know, who needs to go where. Nothing stands out as saying, you know,
230 anybody was more nervous or, you know, more upset than any other.
231 **BERRY:** Than anybody else.
232 **MEGAN:** Right.
233 **BERRY:** Yeah, was he drinking a lot of bottled water?

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/ John Megan

May 31, 2016
Page 6 of 8

234 **MEGAN:** Sitting through the de-briefs I've heard CHRIS speak to that effect, but it doesn't jog my
235 memory as seeing him.

236 **BERRY:** Okay, so—

237 **MEGAN:** Drinking water at the time.

238 **BERRY:** Something you heard at – Deputy NESBIT say, but—

239 **MEGAN:** Right.

240 **BERRY:** –not something you observed.

241 **MEGAN:** Right, he may have it just didn't stick in my mind at the time, so I can't say he was or
242 wasn't.

243 **BERRY:** Yeah, well and how did your involvement in that scene that day end?

244 **MEGAN:** When we were – finished up the photographs of the weapons one of the vehicles had been
245 moved over I think to get fuel, in front of the Fields Station there and CHRIS gathered up the hunting
246 party at the tailgate basically in a circle and basically just asked, you know, does anybody, you know,
247 it was an accident, we're all hunters here, you know, does anybody want to explain what happened or
248 does anybody know what happened and, you know, no one said anything. At that point we basically
249 broke contact. They were still making plans off to the side of who was going to do what and if they
250 were going to camp there, go to Boise, or so forth and so on.

251 **BERRY:** Yeah.

252 **MEGAN:** By that time the paramedics had already left, so CHRIS and I basically step back at that
253 point and headed back north.

254 **BERRY:** All right, well and I think I already asked you this, but forgive me if I have.

255 **MEGAN:** It's okay.

256 **BERRY:** Did you ever hear anyone – any member of the hunting party suggest that the victim had
257 been shot by somebody else?

258 **MEGAN:** Trying to think back on what was – what I overheard. I do believe at the time one of things
259 was maybe he had shot himself while trying to re-holster a weapon, but I, you know, that would just be
260 pure supposition on my part on whether or not that happened. I don't know the details of it and then no
261 one wanted to – spoke up to say, you know, hey, my gun went off or anything like that, so—

262 **BERRY:** Yeah.

263 **MEGAN:** –when I left there I did not know how the victim received the gunshot and I knew – I was
264 scratching my head when I left there and I was glad I wasn't in CHRIS's position of trying to figure it
265 out.

266 **BERRY:** Wasn't the primary investigator.

267 **MEGAN:** Yeah, I was real glad we're a long way away from my jurisdiction and I was just there to
268 help out.

269 **BERRY:** Yeah.

270 **MEGAN:** Because, you know, until this all started going up with, you know, OSP and stuff I didn't
271 know what happened, you know, and I still don't, you know, I've heard different things, but, you
272 know, I can't say yeah, this is what happened.

273 **BERRY:** Yeah.

274 **MEGAN:** So I'm as interested as anybody to actually see what comes out and all.

275 **BERRY:** Find out – well, so now in your past as a Fish and Wildlife officer—

276 **MEGAN:** Mm-hm.

277 **BERRY:** –have you had to investigate accidental or negligent shootings before?

278 **MEGAN:** No, I've never been primary on one. We don't – haven't had that in different places at even
279 as National Parks Official Service where I've had to deal with that. All the fatals that I've had to deal

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/ John Megan

May 31, 2016
Page 7 of 8

280 with are vehicle accidents or boat accidents and stuff like that. I've not had any real gunshot. I was
281 thinking about that the other day. Twenty years thankfully I haven't had that situation to deal with.
282 **BERRY:** Well that's interesting. I guess it doesn't – most hunters are–
283 **MEGAN:** Well it's just the, you know, the areas I've worked have been either like National Parks or
284 in – on the National Wildlife Refuge system like that. There's always been hunting, but I've just never
285 had that – beyond, you know, water fowl hunter catching a pellet or something like that.
286 **BERRY:** Oh yeah.
287 **MEGAN:** You know, from over – I've never had to actually investigate a negligent or a discharge that
288 struck another human being thankfully.
289 **BERRY:** Thankfully, well and will you just briefly describe how you found out that Chief O'DEA
290 was involved in this incident?
291 **MEGAN:** The Oregon – was it before the Oregonian? A week or so after – I think the timeline is when
292 CHRIS finally got the phone interview with the victim, he contacted me and said he was going to need
293 copies of my reports and videos and on like a Saturday and then like on a Monday he asked me to
294 come into the sheriff's office here to meet with OSP and their investigations. That's when I came in.
295 We were in this office here and I asked what was going on and he goes well the Portland Police chief
296 is suspected to be the one that had the negligent discharge and he like said earlier – he – I was like
297 which one is that and he showed me a picture of Chief O'DEA online.
298 **BERRY:** Yeah.
299 **MEGAN:** And I recognized him as being there and I said, okay, so I knew at that point then things
300 were going to get complicated.
301 **BERRY:** Well, I'm running out of questions to ask, but I do want to ask some variation of this
302 question. I understand that you weren't the primary investigating–
303 **MEGAN:** Mm-hm.
304 **BERRY:** –officer, had you known that a police chief was present at the scene, would it have affected
305 the actions you took that day or would you have done anything differently?
306 **MEGAN:** No, you know, I believed it was accidental, however he got shot.
307 **BERRY:** Mm-hm.
308 **MEGAN:** I don't – I didn't have any indicators it was malicious in any way, so, you know, to me they
309 were just a hunting group. CHRIS was in a tough position, you know, it was – no one's wanting to
310 claim it on what happened and without being there and someone stepping forth or the victim to say yes
311 so and so was here that, you know, could have done it. He was in a tough position, you know, we've
312 talked about, you know, drinking and stuff like that. There was no obvious indicators and without a,
313 you know, you're not going – they weren't driving, you know, so there was nothing really to do, you
314 know, CHRIS didn't cover anything up to my knowledge, you know, it was – he just treated it like the
315 best he could at the time. I wasn't part of the interview, so I don't know how his interview skills went
316 or how that was, but no, hell no. I mean, if he came in and said he was my boss I mean, well what
317 happened.
318 **BERRY:** Yeah.
319 **MEGAN:** And if my boss said, well I don't know what happened. Then what do you do, so no, I don't
320 believe that the factor of now knowing that they were retired or former or active law enforcement
321 would've changed anything.
322 **BERRY:** Yeah.
323 **MEGAN:** So–
324 **BERRY:** Well I'll tell you Officer MEGAN you put up with me asking a lot of nosey questions and I
325 really appreciate you coming in today–

CONFIDENTIAL TAPED STATEMENT

IPR #2016-B-0014
PPB/ John Megan

May 31, 2016
Page 8 of 8

326 **MEGAN:** That's fine.
327 **BERRY:** –to talk to me. Is there anything you want to add to our conversation or anything you that
328 you think's important or stands out in your memory on this incident?
329 **MEGAN:** You know, the take home for that for me was – is when we finished up with the tailgate
330 meeting there and CHRIS gave everyone ample opportunity to stand up and say I had an accident, you
331 know, and no one did, you know, maybe he had shot himself at that point. We didn't know any
332 differently, so, you know, it was – no one gave us very – to my knowledge when I left there I – we
333 didn't have very many options of what actually did happen.
334 **BERRY:** Yeah.
335 **MEGAN:** And that was frustrating on my part, but CHRIS was handling it and I knew he was in the
336 middle of it and I didn't want to pry on him, so my job was complete to make sure he was there safely
337 and I figured eventually I'd find out what happened.
338 **BERRY:** Yeah, yeah.
339 **MEGAN:** So I think CHRIS did as well as he could have.
340 **BERRY:** You know I realized I forgot to ask you earlier, did anyone ever say what it was that they
341 were shooting at when they were doing shooting?
342 **MEGAN:** They were sage rats.
343 **BERRY:** Sage rats?
344 **MEGAN:** Yeah.
345 **BERRY:** Okay, so–
346 **MEGAN:** They–
347 **BERRY:** –they're shooting and waiting for them to pop up?
348 **MEGAN:** Yeah, they said they were – they were going to different wet spots out there and they would
349 just set up and shoot the sage rats as they popped up which is big activity out here.
350 **BERRY:** Oh yeah, I understand a lot of farmers are perfectly willing to–
351 **MEGAN:** Oh yeah.
352 **BERRY:** –let people come out.
353 **MEGAN:** Right.
354 **BERRY:** Better than losing their crop.
355 **MEGAN:** Yeah.
356 **BERRY:** Yeah, well that's all the questions I have for you. Thank you very much I appreciate–
357 **MEGAN:** Your welcome.
358 **BERRY:** –you talking to me. Time is approximately 17:15, stopping recording.
359
360 2016-B-0014 megan.john.05.31.16.int.trs
361 Transcribed 06/18/2016 @ 11:00 a.m. Halla Stonehouse